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**THE ROAD NOT TAKEN:**

**DEFENSE SECRETARIAT REFORM**

**BY**

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**THE ROAD NOT TAKEN:  
DEFENSE SECRETARIAT REFORM**

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## ABSTRACT

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This paper argues the need to extend defense reform to the defense and service secretariats. The author argues that secretariat reform is the logical "next step" in the now 50-year old process of defense unification begun with the National Security Act of 1947, and that the American tradition of civil supremacy over the military as distinguished from the modern practice of "civilian control", is not threatened by secretariat reform. The author also proposes a concept for secretariat reform in which the service secretaries would be retained with small personal staffs and their service staffs, but with dual or "joint" roles, and the service secretariats would be consolidated into a single defense secretariat.



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*Two roads diverged in a Yalu wood....<sup>1</sup>*

The Korean War era marked significant political and philosophical turning points in the history of the United States defense establishment. A confluence of unrelated events framed and propelled transformations, which will continue into the new century. The National Security Act of 1947 initiated the still incomplete process of defense unification. President Truman's nomination of General of the Army George C. Marshall as Secretary of Defense, and relief of General of the Army Douglas MacArthur highlighted the principle of civil supremacy over the military. And the onset of the "Cold War" began the evolution of today's multi-layered defense bureaucracy, and the mutation of civil supremacy into the modern concept of civilian control.

Fifty years later, there is a growing consensus that further defense reform is required to ensure national security into the next century. The Commission on Roles and Missions,<sup>2</sup> Quadrennial Defense Review,<sup>3</sup> Defense Reform Initiative,<sup>4</sup> and National Defense Panel<sup>5</sup> each call for reforms, varying in scope and nature as one would expect given the disparate perspectives of their sponsors, charters and authors.

Because the question is not "if" but rather "when" there will be further defense reform, the scope and degree of the reform are more important questions for analysis and discussion.

Future defense reform must extend to the defense and service secretariats. Secretariat reform is not only fiscally essential, but it also is the logical "next step" in the continuing process of defense unification. The American tradition of civil supremacy over the military remains strong and secretariat reform does not pose any threat to civil supremacy.

### **CIVIL SUPREMACY TRADITION**

Civil supremacy is not merely control of the military by civilians. It is the subordination of the military to the people through their elected officials, the Congress and the President. In fact, many Presidents, as well as Secretaries of War, had significant military service.

The United States tradition of civil supremacy over the military<sup>6</sup> has its roots in the British Bill of Rights of 1689, which in peacetime prohibited standing armies within the United Kingdom without consent of Parliament.<sup>7</sup> Our Constitution reinforced this tradition by granting to the Congress, not the President, the power to raise, support and regulate armed forces,<sup>8</sup> and making the President Commander-in-Chief only of those forces Congress places at the President's disposal.<sup>9</sup>

Notwithstanding the traditional suspicion of standing armies, and emphasis on the military's subordination to civil authority,

Presidents often were men of notable military experience.

Presidents George Washington, Andrew Jackson, Zachary Taylor, William Henry Harrison, Ulysses S. Grant and Theodore Roosevelt all commanded Army units in combat. Their military experience was not perceived as a threat to civil supremacy due to the preeminence of Congress, and their being viewed as elected civil officials, despite their military pasts.

The Army also has been graced with many uniquely powerful military leaders, none of whom designed to challenge civil supremacy. George Washington publicly resigned as Commander in Chief of the Army following the surrender at Yorktown to ensure a civil governance. Nevertheless, he was invited to become our first president (1789-96), and later was appointed by his successor, President Adams, to again be Commander in Chief of the Army (1798-99).<sup>10</sup> Winfield Scott, who served as Commanding General of the Army<sup>11</sup> for over 20 years (1841-1861), was a candidate for the Whig party presidential nomination in 1852.<sup>12</sup> George McClellan openly prepared for a presidential campaign while on active duty and ran against President Lincoln in 1864 after resigning from the Army.<sup>13</sup> In this century, Leonard Wood campaigned for a presidential nomination in 1920.<sup>14</sup> And, Douglas MacArthur, a general officer for 33 years and one of the most powerful military leaders in our Nation's history, accepted relief from command by President Truman.<sup>15</sup>

There were few similarly powerful Secretaries of War, although many were active or former Army officers, starting with the first Secretary of War, Major General Henry Knox (1789-94), and including Major General Henry Dearborn (1801-09), Jefferson Davis (1853-57), General William T. Sherman (Interim 1867-68), and Major General John Schofield (1868-69). Their military status was not seen as a threat to civil supremacy.<sup>16</sup>

Despite this history, in September 1950 when President Truman requested that Congress waive the civilian restriction to permit the nomination of General of the Army George C. Marshall as Secretary of Defense, it had been 30 years since a "military man" had served in this civil arena.<sup>17</sup> Although Marshall enjoyed the highest respect within the Congress, a serious, principled, non-partisan debate on civil supremacy ensued in both chambers.

The waiver to allow Marshall's nomination passed, but commanded only a bare majority in the House of Representatives (220 for, 105 against, 3 "Present", 101 not voting)<sup>18</sup> and only a plurality in the Senate (47 for, 21 against, 28 not voting).<sup>19</sup> After further debate, the Senate confirmed Marshall in a less than overwhelming vote (57 for, 11 against, 28 not voting).<sup>20</sup>

Congressional discomfort with the civil supremacy issue was short-lived. Not seven months later, President Truman relieved MacArthur of command in Korea. As unpopular as that decision was, President Truman's authority to act was unquestioned, least of all by MacArthur, and represented a clear reaffirmation of

civil supremacy.<sup>21</sup> "MacArthur made no complaint then or later against being relieved. He accepted Truman's absolute right to fire him."<sup>22</sup> The Congress honored MacArthur with an invitation to address a joint session,<sup>23</sup> and thereafter — ironically true to his words — MacArthur did "just fade away."<sup>24</sup>

It is well that Congress resolved its concerns when and as it did. Within the following year, "I Like Ike" would become a resonating political theme, and within two years, General of the Army Dwight D. Eisenhower, after resigning his commission, would take the oath of office as President — and Commander-in-Chief!

As President Truman had written to Congress in December 1945 in support of proposed legislation to reorganize the military departments —

There is no basis for . . . fear [of militarism] as long as the traditional policy of the United States is followed that a civilian, subject to the President, the Congress, and the will of the people, be placed at the head of the [Defense] department.<sup>25</sup>

These words, quoted again in the Marshall debates, capture the essence of the American tradition of civil supremacy over the military. It is not a tradition of "civilians," for there are ample examples of military and former military Secretaries of War, as well as Presidents with significant military service. It is a tradition of the military being "subject to the President, the Congress, and the will of the people" — subject to **elected civil authority**.

## OVERVIEW OF DEFENSE UNIFICATION

Defense unification was a significant contributor to the civil supremacy concerns raised during the Marshall nomination debates. The defense unification process had been initiated following World War II from lessons learned in that experience, and still was in its relative infancy. Through World War II, the national defense hierarchy consisted of the War and Navy Departments. These two co-equal cabinet-level departments competed for influence with the President and for resources before the Congress. Cooperation, necessary in a world war, was achieved through an *ad hoc* "Joint Chiefs".

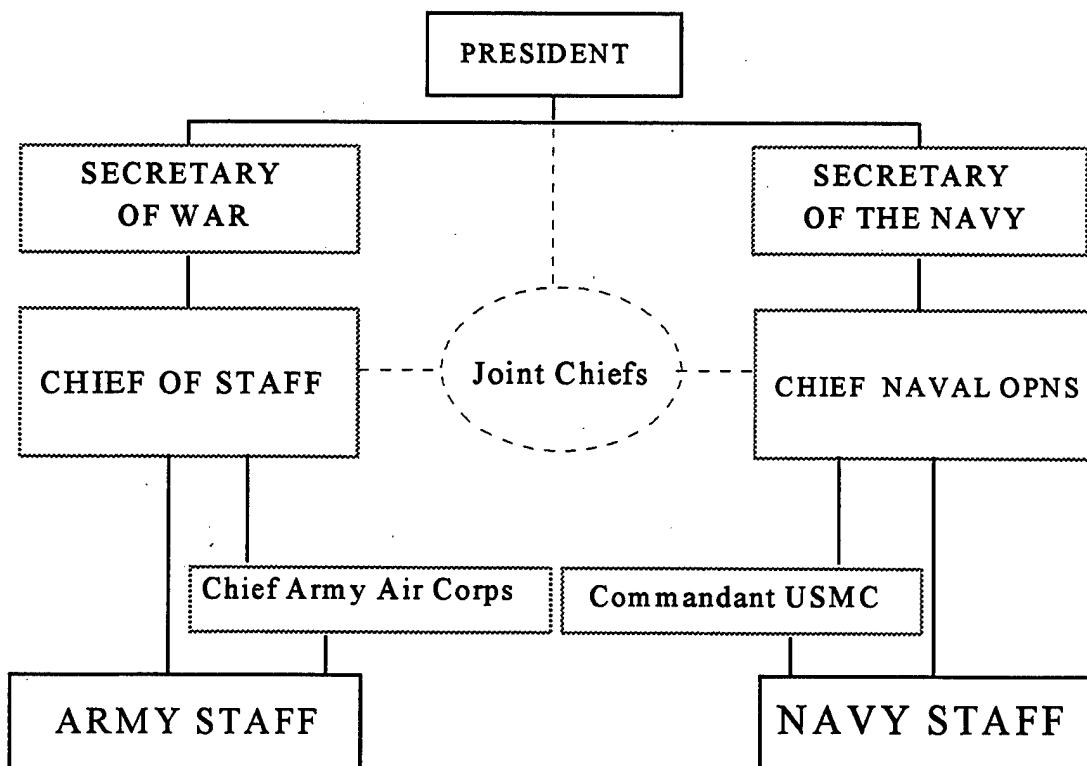


Figure 1. World War II Era Defense Establishment

The National Security Act of 1947 (hereafter "1947 Act") established a consolidated "National Defense Establishment" under a cabinet-level Secretary of Defense and loosely subordinated the service departments: Army (formerly "War"), Navy, and Air Force (newly created from the Army Air Corps). The 1947 Act also formally established the National Security Council and the Joint Chiefs of Staff (hereafter "Joint Chiefs"), with a rotating Chairman as a "first among equals."<sup>26</sup>

The 1947 Act was not without controversy and political infighting, especially from the services, which stood to lose autonomy and status, and the Congress, whose members and staffers stood to lose access and influence. The result was a much weaker Secretary of Defense and more autonomous service secretaries than initially proposed, and a less efficient structure than desirable from a purely apolitical perspective. For example, service secretaries retained cabinet-level status and were full voting members of the National Security Council.<sup>27</sup> The effort to combine two cabinet departments into one yielded four.

A necessary consequence of the compromises accepted to pass the 1947 Act, was the need to twice amend it in its early years to strengthen the Secretary of Defense and defense secretariat *vis-a-vis* the service secretaries.

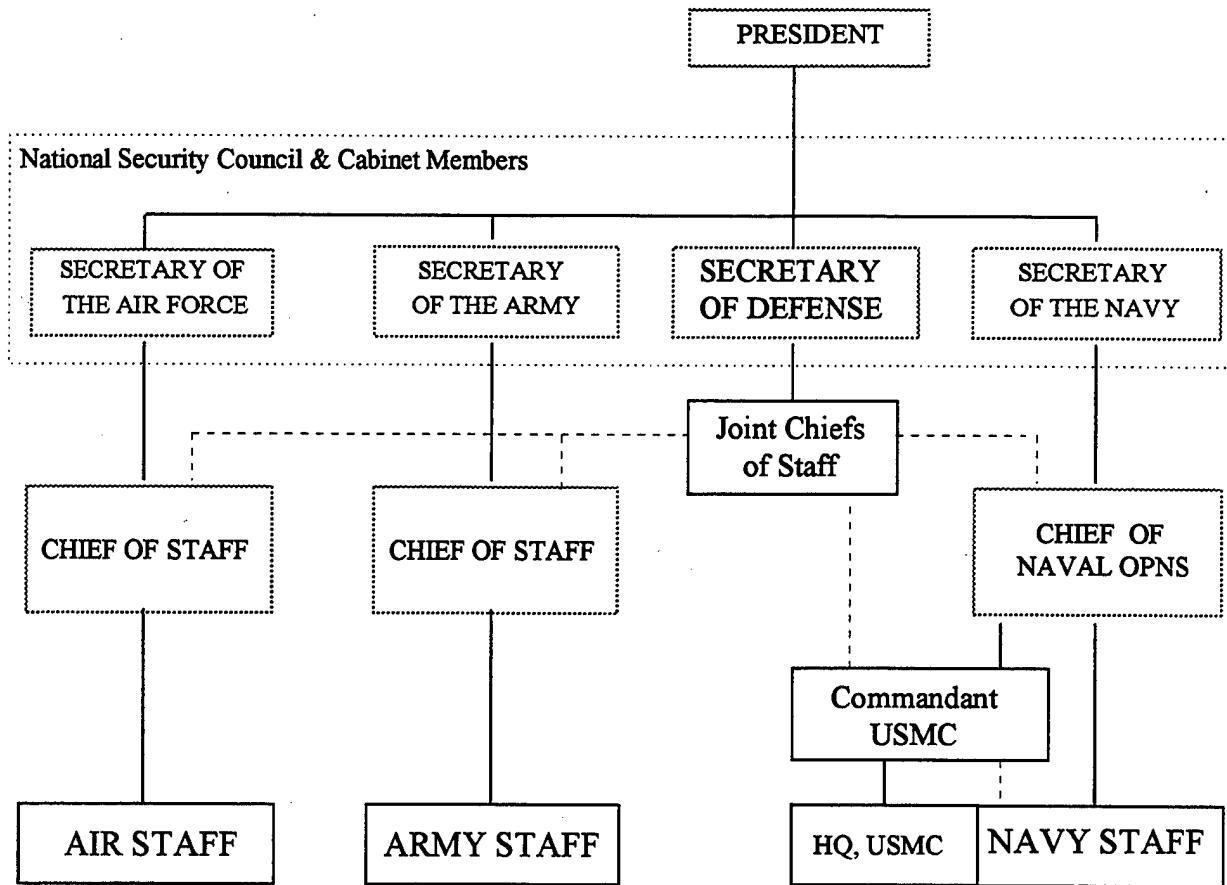


Figure 2. 1947 Act Defense Establishment

The National Security Act Amendments of 1949 removed the service secretaries from the National Security Council, reduced them to sub-cabinet status, clarified their subordination to the Secretary of Defense, and established the position of Chairman of the Joint Chiefs of Staff (hereafter "Chairman"), although without command authority or vote within the Joint Chiefs.<sup>28</sup> In subordinating the now "military departments" to the "direction" of the Secretary of Defense, Congress nevertheless stipulated that they would be "separately administered" and not be merged.<sup>29</sup>

The Defense Reorganization Act of 1958 further refined these relationships. The military departments were to be "separately organized" rather than "administered", and would be under the "direction, authority and control" of the Secretary of Defense.<sup>30</sup> In addition, Congress explicitly granted the Secretary of Defense to include authority to reorganize the military departments, and defined the chain of command to be from the President through the Secretary of Defense and the Chairman to theater commanders.<sup>31</sup>

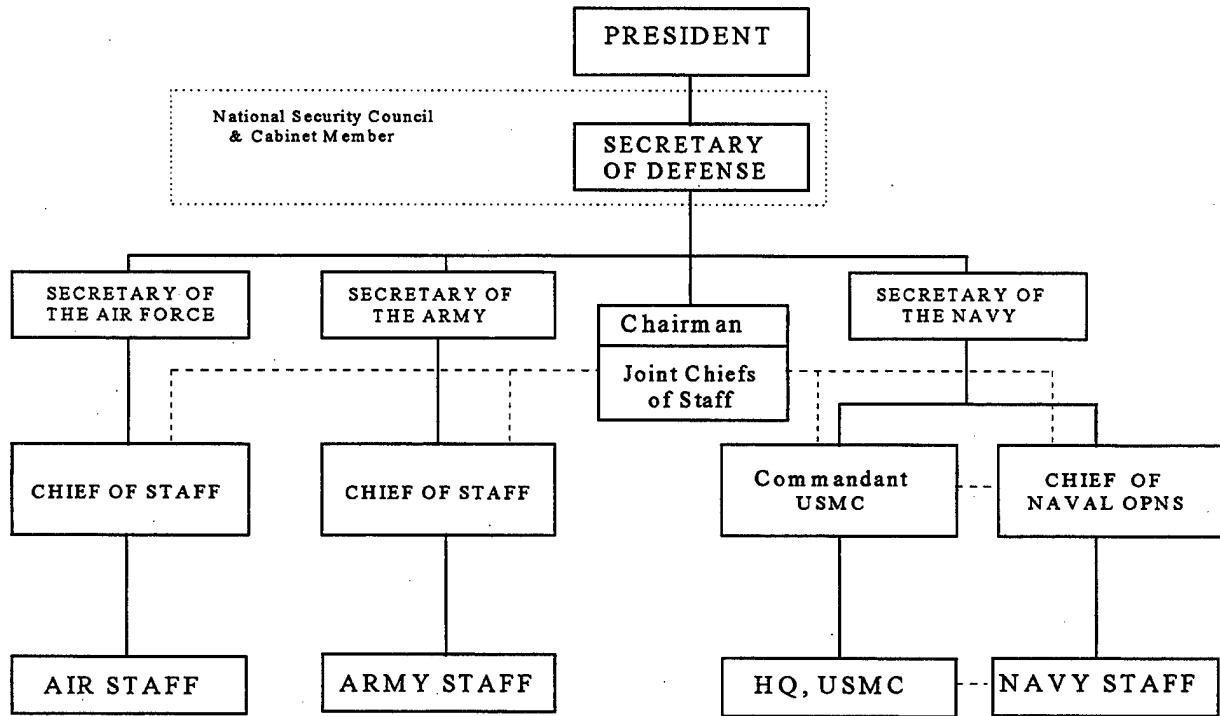


Figure 3. Defense Organization After 1949 and 1958 Amendments

The authority of the Secretary of Defense now was settled in law, if not in practice. While the arrival of Secretary of Defense Robert S. McNamara in 1961 would unsettle the practice, the law would remain essentially unchanged for the next 25 years.

## THE "GOLDWATER-NICHOLS ACT"

The Goldwater-Nichols Department of Defense Reorganization Act of 1986 (hereafter "Goldwater-Nichols Act") was the next significant legislative reform in the authority relationships within the Department of Defense.<sup>32</sup> The 10th anniversary of the implementation of the Goldwater-Nichols Act has stimulated discussion and commentary on the Act's impact, as well as on the need for further defense reform.<sup>33</sup> These discussions, however, often fail to recognize that the Goldwater-Nichols Act was not a process unto itself, but rather a continuation of the defense unification process begun after World War II. As Congress plainly stated:

. . . [I]t is the intent of Congress . . .

to reorganize the Department of Defense and strengthen *civilian authority* in the department;<sup>34</sup>

Congress intended to enhance the Secretary of Defense's "ability to command." The Goldwater-Nichols Act specifically strengthened the roles of the Chairman, the Joint Staff and unified commanders "to improve the military advice given to the [P]resident, Secretary of Defense and the National Security Council."<sup>35</sup>

General Colin Powell, the first Chairman appointed following the Goldwater-Nichols Act, applied his political savvy and experience to expand his and the Joint Staff's roles to the

limits of the Goldwater-Nichols Act authority.<sup>36</sup> This, with the enhancement of the authority of unified commanders, centralized military operational authority under the Secretary of Defense. The paradox is that although Congress' stated purpose was "to strengthen civilian authority," the Goldwater-Nichols Act's enhancement of the Chairman's role and authority, and General Powell's "exploitation" of that authority have been assailed as "the collapse of civilian control over the military...,"<sup>37</sup>

Nevertheless, there is general agreement that the Goldwater-Nichols Act has been largely successful in achieving a more centralized and stronger defense secretariat and Joint Staff, and "jointness" within and among the uniformed services.<sup>38</sup> As a result, senior officers of all services are significantly more "joint" educated, experienced and oriented — even on service military staffs. Moreover, because uniformed personnel rotate on and among joint and service staffs every two to three years, there is little entrenchment, and the cohort of incoming officers each year is more joint educated and experienced than the departing cohort.

While military operational authority is more centralized under the Goldwater-Nichols Act, civil supremacy over the military is not degraded. The "civilian authority" of the Secretary of Defense is enhanced, and even civilian control is not lessened, but rather shifted somewhat to the defense secretariat from the service secretariats.

## FROM CIVIL SUPREMACY TO CIVILIAN CONTROL

Much criticism of the Goldwater-Nichols Act focuses on its impact on civilian control. The 30-year legislative interstice preceding the Goldwater-Nichols Act husbanded the growth and evolution of the four defense secretariats (Defense, Army, Navy and Air Force), as well as defense agencies, the Joint Staff, and the four military service staffs. The "secretariats" — small, largely oversight and coordination entities before the 1950s — blossomed under the challenges of the Cold War era that justified the growth and maintenance of a large peacetime military for the first time in our history. Secretary of Defense McNamara and his "whiz kids"<sup>39</sup> brought corporate-style management to the Department of Defense, while the increased resources required to support the Cold War, and its space and atomic arms races, bipolar competition and Viet Nam, also supported the evolution of multi-layered defense and service bureaucracies — "civilian control" (in the guise of "management") of the military.

The Congress was a willing accomplice in this bureaucratic expansion, and not only through the annual appropriations process. "Since 1947, [Congress has] added not only the civilian Secretary of Defense but also a host of other civilian appointed officials within the office of the Secretary of Defense [and service secretariats]."<sup>40</sup> Each new assistant secretary position

authorized by Congress acquired a large staff of civil servants, a portfolio, an agenda, and a Congressional constituency.

Congress members and staffers enjoyed greater access, wielded greater influence through the more numerous political appointees, and tasked secretariats for more, more frequent, and more detailed reports and studies.

The result is the current, inertial defense structure crowned by four secretariats with multiple, overlapping functions and authority, limited accountability, well-entrenched bureaucracies, and parochialism. Between 1987 and 1994, while military strength was decreasing by over 25%, the number of presidential appointees **increased** by over 40%. In that period, overall Defense civilian strength decreased by almost 20%, but the number of more senior civil service employees (GS 12-15) **increased** by almost 20%.<sup>41</sup> The average tenure of presidential appointees, however, is somewhat less than two years, and military personnel rotate almost as often, with general/flag officers averaging about two years and less senior officers on two to three year assignments.<sup>42</sup> Unlike their appointee and military counterparts senior civil service civilians, without required rotations, can spend 20 or more years in a secretariat and a decade or more in the same sub-division. Those who continue to call for more "jointness" need to recognize that the greatest impediment to further jointness may now be the multi-layered, overlapping, well-entrenched secretariat bureaucracies.

The defense secretariat structure of today is the legacy of the compromises of the 1947 Act and the corporate organizational and management systems that were prevalent in corporate America throughout the Cold War era that McNamara implemented in the Department of Defense. Since the Goldwater-Nichols Act, the Cold War has ended, the Soviet empire has crumbled, and the national security threat has become less apocalyptic and less well defined. Corporate America has streamlined and flattened its organizational structures, and the United States military has undergone drastic personnel reductions while embracing corporate management efficiency concepts to restructure along flatter, leaner organizational designs, and outsourcing significant operations, including operational theater logistics.

These "reforms" have not had a significant impact, however, on the defense and service secretariats, whose organization charts have continued to maintain their breadth and depth. The defense secretariats remain full blown multi-layered bureaucracies with agendas every bit as parochial as those of the uniformed staffs addressed by the Goldwater-Nichols Act reforms. The Department of Defense "corporate" headquarters still includes some 30,000 personnel.<sup>43</sup>

It is time to streamline the management structure of the military departments by eliminating duplication, layering, and redundant operations and personnel. This would simplify the decision-making process, providing clearer accountability for performance, and improve the efficiency of the policymaking machinery of defense management.<sup>44</sup>

## SECRETARIAT REFORM VS. CIVILIAN CONTROL

The civilian control oriented secretariat structure is well beyond that required to maintain traditional civil supremacy.

The office of the secretary of defense is more than capable of exercising civilian control of the military. . . . You could do away with [service secretaries] tomorrow, and no one would miss them.<sup>45</sup>

Future resource constraints lead inexorably to the drawdown of the defense bureaucracy.<sup>46</sup> At the same time defense reform advocates are calling for a "Goldwater-Nichols II" to revamp the entire national security apparatus.<sup>47</sup> Critics of proposals to reform, streamline or otherwise reduce the secretariats' size, scope or authority, however, routinely argue that secretariats are essential to maintain civilian control over the ever more centralized military establishment.<sup>48</sup> These arguments often seek anchor in assertions that civilian control of the military is a foundation principle, referring to the Constitution or the Nation's founding fathers.<sup>49</sup>

To a limited extent, civilian control advocates are correct. Centralized authority in the Secretary of Defense, Chairman, Joint Staff and unified commanders, in combination with the inevitable drawdown of the defense bureaucracy, may reduce the "quantity" of civilian management amassed and exercised by appointed officials and their civil service staffs in the last half of this Century.

But, civilian control advocates also are significantly wrong. While it is beyond argument that it is essential to maintain civil supremacy, the modern concept of civilian control of the military is not an equivalent necessity. Civilian control is a product of the Cold War era without Constitutional foundation.<sup>50</sup> The traditional and Constitutional principle is civil supremacy: as distinct from civilian control as command is from management.

Almost 100 years ago, Secretary of War Elihu Root challenged critics —

to point out a single act of oppression, in all these one hundred and eleven years [from the Constitution], to a single act of disloyalty, on the part of the regular army, to the **supremacy** of civil law and the principles of our free constitutional government.<sup>51</sup>

While Root's words continue to describe American civil supremacy, a recent conclusion echoes Root's challenge in a modern context:

No evidence exists to suggest that civilian control of the military, *properly understood*, has atrophied. The President and Congress determine policy from force structure and acquisition to the use of force.<sup>52</sup>

Neither the Goldwater-Nichols Act's centralization of operational authority, nor a centralization of secretariat authority through secretariat reduction and reform jeopardizes the traditional and Constitutional civil supremacy over the military experienced and exercised by **elected** civil officials — Congress and the President as Commander-in-Chief for over 200 years. Reduced civilian control is no threat to civil supremacy, and therefore, is not an obstacle to secretariat reform.

## CONCEPT FOR SECRETARIAT REFORM

Arguing to combine service secretariats and military service staffs, the May 1995 report of the Commission on Roles and Missions of the Armed Forces (hereafter "Commission") concluded: "the advantages of separate headquarters staffs are outweighed by disadvantages."<sup>53</sup> In a subsequent article, *Who Needs the Secretariats*, David A. Smith asked the obvious question:

Considering both the downsizing of the armed forces and the loss of responsibility and authority of the service secretaries and military chiefs of staff, do we need both levels and their large staffs to guide our forces into the next century?<sup>54</sup>

Smith concludes that "[S]ervice secretaries and their separate staffs . . . represent unnecessary layering that is no longer needed within DoD."<sup>55</sup>

The obvious solution is to eliminate "unnecessary layering." Yet there are multiple organizational alternatives that would satisfy that objective. Both the Commission and Smith conclude that merging service military staffs into their secretariats is the appropriate solution. Although Smith also considered merging the service secretariats into the defense secretariat, he rejected that alternative as politically and perhaps practically infeasible since that would eliminate the service secretaries.

Reform of so critical a function as national defense, must be approached with a set of objectives, to which most can agree,

and of which elimination of duplication and unnecessary layering is certainly one, but not the foremost.

Three general objectives should guide secretariat reform:

1. Maintain civil supremacy over the military.
2. Incorporate modern organizational and management systems, and accommodate future innovation.
3. Eliminate duplication and unnecessary layering.

Although clearly the priority, civil supremacy it is not at risk in secretariat reform. Since the Goldwater-Nichols Act, the Secretary of Defense, with the defense secretariat, supported by the Chairman and Joint Staff, has the authority to maintain civil supremacy in almost any reform scenario that does not regress to stronger, more independent service secretaries. Nor is civilian control in significant danger. With 7,000 personnel,<sup>56</sup> even if the Defense Reform Initiative reductions are implemented, or service secretaries and secretariats were eliminated altogether, "Sufficient civilian appointees exist in the Office of the Secretary of Defense to assure continued civilian control."<sup>57</sup>

Reform must retain sufficient flexibility for the Secretary of Defense to incorporate modern organizational and management systems and for future secretaries to accommodate 21st Century innovations. Legislation that overly specifies organizational structure limits the ability of the department to adapt to the next century and its innovations, whether in warfare or business practices. Nevertheless, reform must require the elimination of

unnecessary duplication and layering. Lack of legislative guidance in this area would be a formula for innovative initiatives to retain the *status quo*. The key to secretariat reform therefore is to strike the balance between flexibility to accommodate the future and prescriptions to address the present organizational and management system flaws.

Despite the potential for duplication and inefficiency, the correct assessment is service secretaries should be retained. Their traditional roles are important; but moreover, their specific, even if at times parochial, perspectives are essential to effective policy debate within the Department of Defense. While service secretaries are no longer essential to civil supremacy itself, the Secretary of Defense needs the benefit of their often varied perspectives and competing visions in the formulation of national military strategy and defense policy.

The Commission's recommendation, endorsed by Smith, would retain the four service secretariats. Retention of service secretaries, however, does not require retention of secretariats. On a service-to-service basis, the military staffs perform the dissimilar functions, while the secretariats perform essentially similar oversight functions. Overlap, duplication and entrenchment now may occur among the service secretariats more so than among military staffs. Moreover, in this post-Goldwater-Nichols era, the military staffs are becoming more "joint" and less prone to parochialism than their secretariat counterparts.

Instead of retaining four secretariats, consolidate the service secretariats into the defense secretariat by function, while retaining the service secretaries to perform their traditional and statutory functions, but with modest personal staffs only, relying otherwise on the service military staffs, and the service chief as a true "Chief of Staff".

Liberated from secretariat-bureaucracies, service secretaries could and should evolve into dual roles: the traditional role of the service secretary, and a modern, cross-service or "joint" role as Under Secretaries of Defense (USD) for land, sea or aerospace forces (or other appropriate title and portfolio). **By law**, service secretaries already enjoy cabinet undersecretary's status for rank and pay.

In their traditional role, service secretaries would retain their direct access to Secretary of Defense on behalf of their military departments, as well as supervisory authority over their service "Chief of Staff" and military staff. In their "joint" role, they not only would have the same direct access, but also would have broad Department of Defense-wide staff coordination authority within their cross-service (land, sea or aerospace) responsibilities, to coordinate policy, acquisitions, resource allocations, etc. For example, as the USD for Land Forces, it would be appropriate for the Secretary of the Army to become involved in many Marine Corps, and even some Air Force issues where common doctrine, equipment or training is involved.

Similarly, the USD for Aerospace Forces would have legitimate interests in Naval as well as Army aviation and space issues.

In a functional consolidation of secretariats, service assistant secretaries and their staff sections would realign under the appropriate defense under secretary or assistant secretary, or into a new defense section if a like function does not currently exist. For example, the Office of Assistant Secretary of the Army for Manpower & Reserve Affairs ("ASA(MRA)") would fold into the Office of the Under Secretary of Defense for Personnel & Readiness ("USD(P&R)"). The ASA(MRA) becomes the Deputy USD(P&R) for Land Forces, while the ASA(MRA) supporting staff is integrated into the appropriate USD(P&R) subdivision. Other service assistant secretaries would parallel and their supporting staffs would integrate similarly.

Following functional consolidation, the defense secretariat should be reorganized to eliminate duplication and overlap, as well as reduce personnel to the minimum required to perform assigned functions. The goal should be a "most efficient organization" that is flat, streamlined, and has functional integrity within each defense secretariat section and subdivision. Functional duplications (jurisdictional overlaps) and unnecessary layers must be eliminated. An organizational study similar to those conducted to compete government operations in the contracting-out process is essential to ensuring the benefits realized.

It is from the integrity of the consolidation and reorganization that significant, tangible savings are possible — not only of civilian and military positions, but also in grade structure. To ensure these savings, the process must specify endstate ceilings for civilian and military positions, as well as grade ratios that do not exceed current grade distributions.

Smith's conclusion regarding potential efficiencies from integrating service secretariats and military staffs is as pertinent to their consolidation into one defense secretariat:

The overall savings in manpower could be significant, perhaps as high as the current manning of the three secretariats: 1,000 billets and an annual payroll of \$125 million or more.<sup>58</sup>

While consolidation eliminates the major duplication — the second layer of secretariats — and a credible reorganization ensures the tangible benefits. The synergy of secretariat reform produces perhaps the most important, intangible benefit to national security into the next century. The resulting consolidated defense secretariat is now "joint" with each section including deputy undersecretaries or deputy assistant secretaries representing the land, sea and aerospace forces, and with the non-service based integration of the former supporting personnel.

The intangibles Smith identified as resulting from integrating secretariats and military staffs are further magnified by the potential for secretariat "jointness" and the evolution of the service secretaries into dual "joint" roles:

The image of civilian control would be retained and the service secretary would have access to information in the service staffs that currently is not available without clearance through the military chief of staff layer.<sup>59</sup>

Cross-service involvement would not be to the exclusion of the "parent" service secretary, but in addition to and from a complementary perspective. Nor would involvement across the various defense secretariat offices detract from the authority of the Secretary of Defense. Dual roles would require redesignation with appropriately dual titles to underscore their traditional roles as well as recognize their new "joint" roles; e.g., "Under Secretary of Defense for Land Forces and Secretary of the Army".

The "Title 10" responsibilities<sup>60</sup> as well as certain "special staff" functions, such as Inspector General, Public Affairs and Legislative Liaison could be retained in the service military staffs, remaining subject to secretarial authority, unless it is determined to pursue potential efficiencies from merging certain specific functions into the defense secretariat. Some functions, such as acquisition and resourcing may be appropriate to split, assigning the longer term segments such as Research and Development, major acquisition development, and resource programming and planning, to the defense secretariat, while maintaining lesser acquisitions and the execution phases of system acquisition and fielding, budgeting and budget execution in the service military staffs.

## CONCLUSION

Reform of the four-headed dragon, the multi-secretariat defense structure, is inevitable given the yet incomplete 50-year process of defense unification and the extreme resource constraints into the foreseeable future that demand both the tangible and intangible efficiencies that would result.

As with any defense reform, maintaining civil supremacy is an overarching requirement. Secretariat reform does not, however, threaten traditional civil supremacy. Nor does it unacceptably restrict the more recent phenomenon of civilian control, unless one concludes that bureaucratic inefficiency — layering, duplication and inertia — are absolute prerequisites for civilian control.

Reform must be at once deliberate and flexible. It requires an objective, credible, organizational study and specific direction and objectives to ensure savings and intangible efficiencies. Yet it must nevertheless preserve the ability of the Department of Defense to evolve in the 21st Century without repetitive resort to the Congress for incremental authority, or half-century long periods between significant reorganizations.

The functional consolidation of service secretariats into a reorganized defense secretariat completes the defense unification process begun over 50 years ago. The result not only meets the key objectives for secretariat reform — civil supremacy, flexibility, and significant resource savings, but also enhances "jointness" within the Department of Defense civilian hierarchy to complete the Goldwater-Nichols phase of the process as well.

Dual-roled service secretaries would cross service lines within their land, sea or aerospace charters to enhance and ensure commonality and multi-service considerations, while consolidated defense secretariat sections have the real potential to produce a synergy of "joint" experience at that level without parochial departmental agendas.

The service secretariats need not be the "third rail" of defense reform. Rather, we as a Nation need to venture down this "Road not Taken." The ideas here proposed will not be endorsed unanimously. Nor should they be rejected out of hand. There are many others with greater insights formed from years of experience within and among the secretariats. Their perspectives, insights, debate and deliberation are as essential to credible reform as reform is essential to our 21st Century National Security.

Our system is "blessed" with checks and balances that encourage competing perspectives to come to bear on issues of consequence, and force compromises to achieve consensus. Let the dialogue begin — let us travel this "Road not Taken" together.

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## ENDNOTES

<sup>1</sup> Robert Frost, *The Road Less Traveled*, with apologies.

<sup>2</sup> Commission on Roles and Missions of the Armed Forces, Directions for Defense, (Washington, D.C.: U.S. Department of Defense, May 1995).

<sup>3</sup> William S. Cohen, Quadrennial Defense Review (Washington, D.C.: U.S. Department of Defense, May 1997).

<sup>4</sup> William S. Cohen, Defense Reform Initiative (Washington, D.C.: U.S. Department of Defense, November 1997).

<sup>5</sup> National Defense Panel, Transforming Defense, National Security in the 21st Century (Washington, D.C.: U.S. Department of Defense, December 1997).

<sup>6</sup> For a thorough, well-documented history of the American Civil Supremacy tradition through 1950, read William R. Tansill, "The Concept of Civil Supremacy in the United States," Public Affairs Bulletin 94 (Washington, D.C.: Library of Congress Legislative Reference Service, February 1951). Tansill's monograph is an invaluable historical resource.

<sup>7</sup> Tansill, 1, citing David Oswald Dykes, Source Book of Constitutional History from 1660 (New York: Longmans Green, 1930) 107.

<sup>8</sup> Constitution of the United States, Article I, § 8.

<sup>9</sup> Constitution, Article II, § 2.

<sup>10</sup> William Gardner Bell, Commanding Generals and Chiefs of Staff 1775-1995 (Washington, D.C.: United States Army Center for Military History, 1997) 62.

<sup>11</sup> Prior to the early years of this century, the senior Army officer usually held the title of Commanding General of the Army. See, Bell, *supra*.

<sup>12</sup> Bell, 74.

<sup>13</sup> *Ibid.*, 76.

<sup>14</sup> *Ibid.*, 100.

<sup>15</sup> *Ibid.*, 116.

<sup>16</sup> The relationships between Commanding Generals of the Army and Secretaries of War were not, however, without occasional tension. Disputes usually concerned authority over the headquarters "bureaus" (similar to the service staff sections of today), the location of the Commanding General of the Army's headquarters, and the authority of the Secretary of War to issue orders directly to field commanders. Winfield Scott was the center of two such controversies. In 1828, he protested the appointment as Commanding General of the Army of Major General Alexander Macomb, who was the same rank but junior to Scott in seniority, by then Secretary of War Peter B. Porter; and in 1854 as Commanding General of the Army, he challenged the authority of then Secretary of War Jefferson Davis. In each incident, the President resolved the dispute in favor of his Secretary of War. Scott continued to serve despite these confrontations, waiting 13 years to succeed Macomb as Commanding General of the Army, and serving in that capacity well beyond his dispute with Davis, until 1861. Until the reforms sponsored by Secretary of War Elihu Root at the turn of this century, Commanding Generals of the Army usually considered themselves field commanders, and their headquarters was more often than not "in the field" away from Washington, D.C.

<sup>17</sup> The National Security Act of 1947 (§202(a)) stipulated that the Secretary of Defense be nominated from "civilian life" and specifically disqualified former officers who had not been retired or discharged for at least 10 years. Moreover, by law, Generals of the Army do not retire, but retain active status for life (Public Law 80-804). Absent Congressional waiver, Marshall was ineligible. This restriction continues today.

<sup>18</sup> Congressional Record, Daily ed., September 15, 1950, 15173.

<sup>19</sup> Ibid., 15135.

<sup>20</sup> Ibid., September 20, 1950, 15468.

<sup>21</sup> Edward B. Westermann, "Contemporary Civil-Military Relations — Is the Republic in Danger?", Airpower Journal 9 (Summer 1995): 76.

<sup>22</sup> Geoffrey Perret, Old Soldiers Never Die (New York: Random House, 1996) 569.

<sup>23</sup> Douglas MacArthur, Reminiscences (New York: McGraw Hill, 1964) 400.

<sup>24</sup> Ibid., 405.

<sup>25</sup> Congressional Record, Daily ed., September 15, 1950, 15124.

<sup>26</sup> Ibid., vol. 93, pt. 8, (July 26, 1947) 9912, 61 Stat 500.

<sup>27</sup> Ibid., §§ 101 & 301.

<sup>28</sup> Ibid., vol. 95, pt. 8, (August 10, 1949) 10592, §§ 3 & 7.

<sup>29</sup> Ibid., § 4.

<sup>30</sup> Public Law 85-599, United States Code Congressional and Administrative News, 85th Cong., 2d Sess., vol. 1 (1958) 592, §2.

<sup>31</sup> Ibid., §§ 3 & 5.

<sup>32</sup> Public Law 99-433, United States Code Congressional and Administrative News, 99th Cong., 2d Sess. (1986) 100 Stat 992.

<sup>33</sup> See, e.g., James R. Locher, III, "Taking Stock of Goldwater-Nichols," Joint Force Quarterly 13 (August 1996); Robert Previdi, "Goldwater-Nichols: Where Have Ten Years Taken Us?," Proceedings 123 (May 1997); John E. Greenwood, "Editorial: Goldwater-Nichols," Marine Corps Gazette (February 1997).

<sup>34</sup> Public Law 99-433, § 3, *emphasis added*.

<sup>35</sup> Douglas C. Lovelace, Jr., "Unification of the United States Armed Forces: Implementation of the 1986 Department of Defense Reorganization Act" (Carlisle Barracks, PA: United States Army War College Strategic Studies Institute, August 6, 1996) 28 & 33.

<sup>36</sup> Admiral William Crowe, Chairman of the Joint Chiefs of Staff when the Goldwater-Nichols Act was enacted, enjoyed its expanded authority only for a portion of his term.

<sup>37</sup> Lovelace, 35, citing Edward Luttwak, "Washington's Biggest Scandal," The National Interest (Summer 1994): 29, *emphasis added*.

<sup>38</sup> The Goldwater-Nichols Act reforms have not been without difficulties as services struggle to harmonize joint education and assignment criteria with career development requirements.

<sup>39</sup> Westermann, 76.

<sup>40</sup> David A. Smith, "Who Needs the Secretariats," Proceedings 121 (December 1995): 43.

<sup>41</sup> William K. Brehm, "On Revolution, Barriers, and Common Sense," lecture, National Defense University, Washington, D.C., 3 December 1996, cited with permission of Mr. Brehm.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Smith, 43.

<sup>45</sup> Chuck, Vinch, "AF, Army keep ticking without civilian bosses," Pacific Stars & Stripes, 26 March 1998, p. 1, quoting Lawrence Korb, former Under Secretary of Defense for Personnel & Readiness.

<sup>46</sup> See, e.g., Defense Reform Initiative.

<sup>47</sup> See, e.g., Bryan Bender, "Panel May Call for Reform of National Security Act," Defense Daily (October 10, 1997): 1.

<sup>48</sup> See, e.g., Nadia Schadlow, "Misguided Pentagon Reform," Washington Times (November 18, 1997): 17.

<sup>49</sup> Fictional accounts of an American military coup of 2012, written by an active duty Air Force officer as a "scholarly" paper and published in an official military journal, a later book and more recent articles, have added fuel to the civilian control debate. See, Charles J. Dunlop, Jr., "Origins of the American Military Coup of 2012," Parameters 22 (Winter 1992-1993); Charles J. Dunlop, Jr., "Melancholy Reunion: A Report from the Future on the Collapse of Civil-Military Relations in the United States," Air Power Journal 10 (Winter 1996).

<sup>50</sup> Quare: Had the founding fathers known and understood the concept and impact of modern bureaucracies, would not the Constitution prohibit them, or would not the States have added their prohibition to the Bill of Rights?

<sup>51</sup> Tansill, 19, citing Robert Bacon and James Brown Scott, "The Military and Colonial Policy of the United States,"

Addresses and Reports by Elihu Root (Cambridge, Harvard Univ. Press, 1916) 18-19, *emphasis added*.

<sup>52</sup> Thomas Owen Mackubin, "Civilian Control: A National Crisis?", Joint Force Quarterly 6 (Autumn/Winter 1994-1995): 83, *emphasis added*.

<sup>53</sup> Commission on Roles and Missions, 4-23 & 4-24.

<sup>54</sup> Smith, 43.

<sup>55</sup> *Ibid.*, 42.

<sup>56</sup> *Marine Corps Gazette*, 2.

<sup>57</sup> Smith, 44.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> Title 10, United States Code §§ 3013(b), 5013(b) and 8013(b) [for the Departments of the Army, Navy and Air Force, respectively] task the services with responsibility for: Recruiting; Organizing; Supplying; Equipping (including Research and Development); Training; Servicing; Mobilizing; Demobilizing; Construction, Outfitting and Repair of military equipment; and Construction, maintenance and Repair of buildings, structures and utilities, and the Acquisition of real property and interests in real property necessary to carry out responsibilities specified.



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